

REMARKS

This amendment is in response to the Official Action dated August 13, 2007. Claims 1 and 11 have been amended; as such claims 1-7, 9-12, and 15-17 are now pending in this application. Claims 1 and 11 are independent claims. Reconsideration and allowance is requested in view of the claim amendments and the following remarks.

No new matter has been added by this Amendment. Support for the amended claims can be found in the specification as filed. For example, support for the feature that “*the transaction conducted by the user in the real world includes a settlement processing based on the user identifier and a price, and is also conducted using the IC card*” is found in paragraph 0037 of the specification.

Rejections under 35 U.S.C. §112

Applicant has amended claim 1 to overcome the typographical and indefiniteness issues cited in the Office Action.

With respect to the issue of indefiniteness, Applicant has added that language “*the transaction conducted by the user in the real world includes a settlement processing based on the user identifier and a price, and is also conducted using the IC card,*” indicating that that transaction includes a user ID which logically is used to identify the user.

Rejections under 35 U.S.C. § 103

Claims 1 and 11 have been officially rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 6,594,640 to Postrel et al (“Postrel”), in view of U.S. Patent No. 6,549,912 to Chen and U.S. Patent No. 6,282,522.

While claims 2-7, 9, 10, 12, and 15-17 have not been officially rejected under 35 U.S.C., grounds for such a rejection are described in pages 6-7 of the Office Action.

As such, Applicant traverses the official rejection of claims 1, 11 and the remaining claims, as the rejection pertains to the claims.

Postrel discloses a privilege points exchange portal. The trading server 20 disclosed in Postrel acts as a central bartering point between various rewards program servers 10, 12, 14, allowing a user to sell and repurchase rewards points from the various rewards programs (col. 5, ll. 39-43, 63-66). Postrel does not disclose performing settlement processing using an IC card. Moreover, Postrel does not disclose performing settlement processing using a user identifier and a price.

Chen discloses a smart card that provides a loyalty file structure. In Chen, various loyalty file information (e.g., password, file number, label, etc.) is associated with each loyalty file and stored in the smart card.

Davis discloses a smart card payment system for purchasing goods or services online. In Davis, a client terminal with a smart card reader is used to transact with merchants who agree to smart card payments for their goods. Payments are routed through a payment server, which uses the information associated with smart card to provide funds to a merchant in exchange for the bartered goods.

Claim 1 recites: *A communication system comprising:*

a first management apparatus for managing first privilege information generated in accordance with a transaction that is conducted by a user via a network in a virtual world and a user identifier that is used for identifying the user in such a manner that the first privilege information and the user identifier are correlated with each other, wherein the user identifier is stored in and uniquely associates the user to an IC card and the transaction that is conducted by the user in the virtual world is made using the IC card; and

a second management apparatus for managing second privilege information that is generated in accordance with a transaction conducted by the user in a real world and used for identifying the user in such a manner that the second privilege information and the user identifier are correlated with each other, wherein the transaction that is conducted by the user in the real world includes a settlement processing based on the user identifier and a price, and is also made using the IC card,

wherein at least one of the first management apparatus and the second management apparatus converts the first or second privilege information that is managed by the other into privilege information to be managed by itself according to a prescribed conversion factor and manages the privilege information obtained by the result of the conversion, such that the first privilege information is automatically converted to the second privilege information and added to a total of the second privilege information for the user when the user conducts transactions in the virtual world using the IC card.

With respect to claim 1, Applicant submits that neither Postrel, Chen, nor Davis teach or suggest “*wherein the transaction conducted by the user in the real world includes a settlement processing based on the user identifier and a price, and is also conducted using the IC card.*”

First, Applicant submits that Postrel discloses a technique wherein a user manually transacts to sell and repurchase rewards points between different rewards programs by actively engaging in transactions. Postrel does not teach or suggest a distinction between real world and virtual world transactions. Furthermore, Postrel does not allow a user to make real world transactions that including a settling process involving a price, i.e., a currency value, and a user id.

By contrast, claim 1 identifies that “*the transaction conducted by the user in the real world includes a settlement processing based on the user identifier and a price, and is also conducted using the IC card.*”

Postrel fails to, and the Examiner has never shown in any of the preceding Office Actions in Postrel, a difference between real world and virtual world transactions. Moreover, Postrel does not illustrate a real world transaction that includes settlement using a user identifier and a price. Instead, Postrel groups rewards points based on the credit card company offering rewards points. Thereafter, Postrel allows for manually transacting rewards points between credit card companies. As such, each merchant must set forth a value for the disclosed goods in rewards points. However, Postrel never makes the transition between rewards points to prices.

Chen does not remedy the deficiencies of Postrel. As set forth above, Chen discloses a smart card that provides a loyalty file structure. In Chen, various loyalty file information (e.g., password,

file number, label, etc.) is associated with each loyalty file and stored in the smart card. As with Postrel, there is no disclosure or suggestion that “*the transaction conducted by the user in the real world includes a settlement processing based on the user identifier and a price,*” as recited in independent claim 1. In fact, as understood by Applicant, there is no mention whatsoever of any type of conversion of the loyalty file information to price.

Davis does not remedy the deficiencies of Postrel and Chen. As with Postrel, there is no disclosure or suggestion of “*the transaction conducted by the user in the real world includes a settlement processing based on the user identifier and a price,*” as recited in independent claim 1. In fact, as understood by Applicant, there is no mention whatsoever of any type of privilege information or conversion thereof.

Since, whether taken alone or in any combination, the references fail to disclose features recited in independent claim 1, a *prima facie* case of obviousness for that claim has not been established.

For reasons similar to those provided regarding claim 1, independent claim 11 is also neither disclosed nor suggested by the relied upon references. The dependent claims are also distinct from the relied upon references, for their incorporation of the features recited in the respective independent claims, as well as the patentably distinct features separately recited therein.

Applicant further submits that the examiner has failed to reject Applicant’s **claimed invention** and therefore has not created a *prima facie* case against patentability.

Furthermore, the Examiner has only paraphrased Applicant’s claims, leaving in those elements the Examiner believed were found in the prior art, and leaving out those that the Examiner believed were absent or unimportant. Therefore, in making the rejections, the Examiner has only rejected his paraphrasing of Applicant’s claims, failing to specifically cite and identify various elements of Applicant’s claims. For example, with respect to claim 1, the Examiner has not identified, nor do any of the references teach or suggest, a *first privilege information* associated with *virtual world transactions* from a *second privilege information* associated with *real world*

transactions. Similarly, the Examiner has not identified, nor do any of the references teach or suggest how the virtual and real world distinction exists with respect to a first management apparatus and a second management apparatus that manage the first and second privilege information, respectively. Although Applicant submits that neither Postrel, Chen, nor Davis disclose or suggest the features recited in these claims for at least the reasons noted above, Applicant respectfully requests the Examiner to clearly identify where such features are found, should the Examiner continue to rely upon the references.

The MPEP sets forth that “[d]istilling an invention down to the “gist” or “thrust” of an invention disregards the requirement of analyzing the subject matter “as a whole.” *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) (restricting consideration of the claims to a 10% per second rate of stretching of unsintered PTFE and disregarding other limitations resulted in treating claims as though they read differently than allowed).” MPEP § 2141.02.

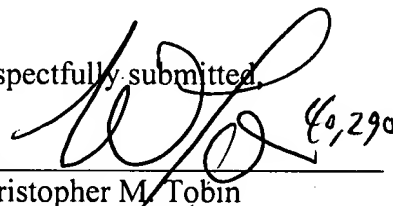
Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over Postrel in view of Chen, in further view of Davis.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2200 from which the undersigned is authorized to draw.

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